



**P.O. Box 45308 • Omaha, NE 68145-0308**

**Richard S. Reiser  
Executive Vice President  
General Counsel**

**Telephone (402) 894-3000  
Fax (402) 894-3736**

**October 14, 2002**

**Dockets Management System  
U. S. Department of Transportation  
Room PL 401, 400 Seventh Street, SW  
Washington, DC 20590-0001**

**RE: Docket No. FMCSA-02-11650 (HM-232A)  
Security Requirements for Motor Carriers Transporting Hazardous Materials**

**Dear Sir or Madam:**

**Werner Enterprises, Inc., is a truckload motor carrier which operates approximately 8,000 trucks in 48 states with service into Mexico and Canada. Current company policy requires that all drivers obtain the hazardous materials endorsement on their commercial driver's license within sixty (60) days of coming to work at Werner. That is the policy notwithstanding the fact that less than 5% of the loads transported contain any quantity of hazardous material. Due to the fact that we are an irregular route carrier, all drivers are required to have the hazardous materials endorsement to facilitate load assignment and eliminate one variable in the load assignment process should it be necessary to assign a load with some quantity of hazardous material.**

**We do have a number of policies and/or systems which are in place for "high-value" loads which could be adapted to hazmat loads. Those include classifications of drop yards to eliminate loads being left unattended in any area which is not fenced, lighted, and guarded 24 hours per day, the use of global positioning equipment to locate and communicate with the truck, the use of team drivers on certain loads, and policies regarding where trucks can stop for fuel or breaks. Our comments will not, however, be directed at those points, but only to Item no. 7 which states as follows:**

**(7) WHETHER SPECIFIC PHYSICAL SECURITY MEASURES SHOULD BE  
LIMITED TO CERTAIN HIGHLY HAZARDOUS MATERIALS AND, IF SO,**

**WHICH HIGHLY HAZARDOUS MATERIALS MIGHT WARRANT SPECIFIC  
SECURITY MEASURES.**

It would appear that many of the “hazardous materials” currently identified have no use as a “weapon of mass destruction”. Of the types of hazardous materials which are regularly transported by Werner, many of those are in insignificant quantities and often comprise only a small portion of a particular load. Attachment A hereto is a list of the various classes and divisions of hazardous materials with an indication of which types of materials are transported by our company. Many of the more dangerous and potentially lethal hazardous materials are not transported.

While it is beyond the scope of our expertise to identify with absolute certainty how various products identified in the classes and divisions of hazardous materials could be used as weapons of mass destruction, we are confident that many hazardous materials cannot be used as such. Certain food concentrates and products such as paint are identified as hazardous materials and must be placarded when transported in sufficient quantity. Those items would appear to have no potential for use as a weapon of mass destruction.

We believe that a very careful, realistic analysis needs to be made of the various products transported and currently identified as hazardous materials to ensure that only those products which have a realistic possibility of being used for terroristic purposes when transported in sufficient quantities will require any type of special handling over that currently required.

Sincerely,

**WERNER ENTERPRISES, INC.**

**Richard S. Reiser  
Executive Vice President  
& General Counsel**

## **ATTACHMENT A**

The following are the classes and divisions of hazardous materials identified as to whether or not transported by Werner.

**Class 1 Explosives has 6 divisions:**

- ☐ Divisions 1.1, 1.2, 1.3: Werner does not transport.
- ☐ Divisions 1.4, 1.5, 1.6: Werner transports occasionally, partial and full loads. These types of loads generally include fireworks and small quantities of small arms ammunition.

**Class 2 Gases has 3 divisions:**

- ☐ Division 2.1 (Flammable Gas). Werner transports on a limited basis and partial loads.
- ☐ Division 2.2 (Non-Flammable Gas). Werner transports on a limited basis and partial loads.
- ☐ Division 2.3 (Poisonous Gas). Werner does not regularly transport.

**Class 3 Flammable and Combustible Liquids:**

- ☐ Werner transports Flammable and Combustible Liquids. Werner does not transport certain types of flammable liquids.

**Class 4 Flammable Solids and Spontaneously Combustible Materials have 3 divisions:**

- ☐ Division 4.1 (Flammable Solids). Werner transports on a limited basis.
- ☐ Division 4.2 (Spontaneously Combustible Materials). Werner transports on a limited basis.
- ☐ Division 4.3 (Dangerous When Wet). Werner does not regularly transport.

**Class 5 Oxidizers and Organic Peroxides has 2 divisions:**

- ☐ Division 5.1 (Oxidizer). Werner transports.
- ☐ Division 5.2 (Organic Peroxide). Werner transports.

**Class 6 Poison/Toxic Liquids and Solids and Infectious Substances has 2 divisions:**

- ☐ Division 6.1 (Poison Toxic Materials). Werner transports in very small quantities.
- ☐ Division 6.2 (Infectious Substances). Werner does not transport.

**Class 7 Radioactive Material:**

- ☐ Werner does not transport.

**Class 8 Corrosive Material:**

- ☐ Werner transports some Corrosive Materials. However, certain types of corrosive liquids are not transported.

**Class 9 Miscellaneous Hazardous Materials:**

- ☐ Werner transports Miscellaneous Hazardous Materials.